

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 11-331 MMC

Plaintiff,

v.

**ORDER GRANTING MOTION TO  
WITHDRAW AS ATTORNEY; DENYING  
WITHOUT PREJUDICE MOTION FOR  
LEAVE TO FILE NOTICE OF APPEAL**

PETE AGAPITO CHAVEZ,

Defendant.


Before the Court is defendant's "Application for Leave to File Notice of Appeal and for Appointment of New Counsel," filed January 21, 2013 by Martin Sabelli, counsel of record for defendant.

1. To the extent the motion seeks an order permitting Mr. Sabelli to withdraw as counsel of record, the motion is hereby GRANTED, and the case is referred to the Federal Public Defender's Office for the purpose of locating new counsel for defendant.

2. To the extent the motion seeks an order affording defendant leave to file an untimely notice of appeal, the motion is hereby DENIED without prejudice to defendant's new counsel filing such a motion, should said counsel deem it appropriate to do so.

**IT IS SO ORDERED.**

Dated: January 25, 2013

  
MAXINE M. CHESNEY  
United States District Judge